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**Rachel S. Watt**

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**July 23, 2008**

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Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit : 1794  
Examiner : Leslie A. Wong

In re application of :	Ang et al.
Serial No. :	10/723,784
Filing Date :	November 26, 2003
Title :	CARBONATE-BASED ANTI-CAKING AGENT WITH REDUCED GAS RELEASE PROPERTIES

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In response to the Notification Of Non-Compliant Appeal Brief mailed June 16, 2008, submitted herewith is a replacement "SUMMARY OF CLAIMED SUBJECT MATTER." The replacement section includes a concise explanation of the subject matter defined in each of the independent claims, including references to the specification.

A Petition for Extension of Time of one (1) month and the corresponding fee payment are submitted herewith. If any additional fees are occasioned by this Response, the Director is hereby authorized to deduct the fees from Deposit Account No. 08-2442 of the undersigned.

Favorable action on this application is respectfully requested.

Respectfully submitted,  
HODGSON RUSS LLP  
Attorneys for Applicant(s)

Date: July 23, 2008

By   
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Enclosures: As listed above

## **SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention provides carbonate-based metal anti-caking agents with reduced gassing properties. The reduced gassing property is important because the application of calcium carbonate and other carbonate-based anti-caking agents is problematic for foods that contain relatively high moisture (higher than 30%) such as cheese. In addition foods that have a pH lower than neutral 7 pose a severe challenge to the application of carbonates because carbonates are relatively unstable in an acidic environment. When exposed to acids or acidic environments, a large amount of the metal carbonate can dissociate into carbonic acid, and in turn, the carbonic acid can be converted to carbon dioxide. Even though some of this carbon dioxide can dissolve within the water contained within the food, excess production of carbon dioxide in a package, especially at the beginning of storage, can result in a significant increase in the volume of the headspace within a package.

The anti-caking agent of the present invention includes metal carbonates and an encapsulating agent. The method of preparing this anti-caking agent includes encapsulating the metal carbonates with the encapsulating agent, which provides an efficient barrier to prevent the contact of the carbonate-based salt with the outside environment.

With regard to Independent Claim 1, the feature of a food composition is described at page 11, lines 17-21. The feature of a perishable solid food material is described at page 11, lines 32-34. The feature of an anti-caking composition is described at page 7, lines 16-17, and the dispersion of the composition is described at page 12, lines 2-7. The feature of a carbonate-based core material (p. 7, lines 25-33) encapsulated by a hydrophobic material is described at page 8, lines 15-30. The feature of a moisture content greater than 20% is described at page 11, line 32- page 12, line 2.

With regard to Independent Claim 12, the feature of a food composition is described at page 11, lines 17-21. The feature of a perishable solid food material is described at page 11, lines 32-34. The feature of a moisture content of at least 30% is described at page 11, line 32- page 12, line 2. The feature of a pH less than 7 is described at page 11, line 32- page 12, line 2. The feature of an anti-caking composition is described at page 7, lines 16-17. The feature of a

carbonate-based core material (p. 7, lines 16-17) encapsulated by a hydrophobic material is described at page 8, lines 15-30.

With regard to Independent Claim 18, the feature of a food composition is described at page 11, lines 17-21. The feature of a carbonate-based core material is described at page 7, lines 25-33. The feature of a hydrophobic material is described at page 8, line 13. The feature of the carbonate-based core material (p. 7, lines 16-17) encapsulated with the hydrophobic material is described at page 8, lines 15-30). The feature of the “rate of carbon dioxide formation from the encapsulated carbonate-based material upon exposure to moisture being less than the rate of carbon dioxide formation from the carbonate-based material before encapsulation, upon exposure to moisture” is described at page 16, lines 3-8. The feature of dispersing the encapsulated carbonate-based material in a food material is described at page 12, lines 2-7. The feature of a moisture content greater than 20% is described at page 11, line 32 through page 12, line 2.